

**MINUTES OF CITY COUNCIL MEETING  
ARTESIA, NEW MEXICO  
November 10, 2015**

The City Council of the City of Artesia, New Mexico met in the City Council Chambers at City Hall on Tuesday, November 10, 2015 at 6:00 p.m. in regular session with Mayor Phillip Burch presiding, and the following present to wit:

Jose Luis Aguilar	Raul Rodriguez
Kent Bratcher	Bill Rogers
Terry Hill	Nora Sanchez
Manuel Madrid Jr.	Jeff Youtsey

The following were absent:

None

Also present:

Lisa C. Johnston, Assistant City Clerk  
John Caraway, City Attorney

It was determined that a quorum was present. The invocation was given by Councilor Rodriguez, and all joined in the Pledge of Allegiance.

**City Departments and Employees**

Chief Raley recognized McDonald's of Artesia for their community service, including "Coffee with a Cop". He also recognized ArieYannah and Zaphaera Fletcher, daughters of LaShelle and Lane Fletcher, for their donation of Subway gift cards for the officers to help keep them healthy..

**Consent Agenda**

Councilor Rodriguez moved to approve the Consent Agenda minus item 9. The motion was seconded by Mayor Pro tem Hill upon vote, the motion passed.

The Consent Agenda includes:

1. Approval of Minutes: \*October 27, 2015
2. Consideration of Bids:
3. Contracts, Leases and Agreements:
4. Appointments:
5. Resignations:
6. Dates of Hearing:
  - A. Permission to set a public hearing on December 8, 2015 for an ordinance to amend the PPA agreement with Hampton
7. \*Travel and Training:
  - A. Infrastructure – Permission for one (1) employee to attend the Human Resource training in Albuquerque, NM
  - B. Police – Permission for three (3) employees to attend the PATC 5 Stages of Interview & Interrogation Techniques training in Rio Rancho, NM
  - C. Police – Permission for one (1) employee to attend the Conducting Pre-employment Background Investigations training in Albuquerque, NM
  - D. Police – Permission for one (1) employee to attend the Drug Interdiction training in Carlsbad, NM

- E. Recreation – Permission for one (1) employee to attend the Parks & Recreation Leadership Summit in Albuquerque, NM
  - F. Recreation – Permission for two (2) employees to attend the Notary training in Roswell, NM
  - G. F&A – Permission for one (1) employee to attend the Notary training in Roswell, NM
  - H. Police – Permission for one (1) employee to attend the Notary training in Roswell, NM
  - I. Police – Permission for one (1) employee to attend the First Line Supervision & Management course in Albuquerque, NM
  - J. Fire – Permission for one (1) employee to attend the National Fire Protection Association Firefighter Qualifications meeting in Orlando, FL
  - K. Police – Permission for three (3) employees to attend the Digital Crime Scene & Evidence Photography training in Rio Rancho, NM
  - L. Community Development – Permission for one (1) employee to attend the Notary training in Roswell, NM
  - M. Fire – Permission for one (1) employee to attend the Critical Care, Flight & Tactical Paramedic testing in Lubbock, TX
  - N. Legislative – Permission to attend the MOLI Leadership program in Santa Fe, NM. Request mileage
  - O. Fire – Permission for one (1) employee to attend the Instructor II certification testing in Socorro, NM
8. Routine Requests for City Facilities:  
9. pulled for separate consideration  
10. Non-budgeted Items:  
11. \*Payment of Bills

Councilor Rodriguez moved to approve Consent Agenda item 9 (9 Budgeted Items: A. Police – Permission to purchase vehicles (\$242,083.96) ). The motion was seconded by Mayor Pro tem Hill and upon vote, the motion passed.

### **Public Hearing**

Mayor Burch declared the meeting open for public hearing for the following:

1. Consideration and approval of an ordinance- Amendment of Title 10, Land Subdivision.

Community Development Director Jim McGuire reported that the last amendment to this chapter was in 2002. The new draft includes chapters on submitting sketches, subdivision plats, summary subdivision plats, required public improvements and development standards.

Planning and Zoning recommended passage.

No public comment was received.

Mayor Pro tem Hill moved to adopt the updated Title 10, Land Subdivision, Ordinance No. 982. The motion was seconded by Councilor Madrid and upon roll call vote, with the following votes recorded:

Aye: Aguilar, Bratcher, Hill, Madrid, Rodriguez, Rogers, Sanchez, Youtsey

Nay: none

the motion passed.

### **ORDINANCE NO. 982**

2. Consideration and approval of an ordinance adopting the 2015 amendments to the Uniform Traffic Ordinance (UTO).

Mayor Burch reported that this is the routine approval of the 2015 amendments to the Uniform Traffic Ordinance (UTO).

No public comment was received.

Councilor Aguilar moved to adopt the 2015 amendments to the Uniform Traffic Ordinance, Ordinance No. 983. The motion was seconded by Councilor Youtsey and upon roll call vote, with the following votes recorded:

Aye: Aguilar, Bratcher, Hill, Madrid, Rodriguez, Rogers, Sanchez, Youtsey

Nay: none

the motion passed.

### **ORDINANCE NO. 983**

3. Consideration and approval of an ordinance amending Chapter 2 (Penalty Assessment) of Title 12 (Motor Vehicle and Traffic) of the Artesia Municipal Code.

City Attorney John Caraway reported that the changes to the penalty assessment correspond to the fines for texting while driving.

No public comment was received.

Councilor Rodriguez moved to adopt the amendment to 12-2, Penalty Assessment, Ordinance No. 984. The motion was seconded by Mayor Pro tem Hill and upon roll call vote, with the following votes recorded:

Aye: Aguilar, Bratcher, Hill, Madrid, Rodriguez, Rogers, Sanchez, Youtsey

Nay: none

the motion passed.

### **ORDINANCE NO. 984**

4. Consideration and approval of Case 15-45, Variance to the street side yard setbacks; 601 and 611 N. York Street, Lots 1 and 6 of Trilogy Unit #2; Owners – Traditions of Trilogy LLC, Tom DuBose – Manager.

Mr. McGuire reported that the two homes built on Lots 1 and 6, corner lots, have encroachments on the side yard setbacks. According to the PUD for Trilogy, the setback should be ten feet, and a two foot variance would leave the setback at eight feet.

Mr. McGuire reviewed the reasons for granting a variance and reported that if the variance is not granted, there would be other options, such as requesting a change for sideyard setbacks for that section of the PUD. He also stated that staff did not support the variance.

Planning and Zoning recommended approval.

Becky Harwell, representing Trilogy, stated that stakes were not visible when construction was taking place. She also stated that only the eave was over the setback.

Councilor Rogers moved to approve the variance of sideyard setback from ten feet to eight feet for Lots 1 and 6 of Trilogy Unit #2. The motion was seconded by Councilor Bratcher and upon vote, with Councilor Aguilar voting "nay", the motion passed.

### **Comments from Public Officials and Contracted Services**

Sara Mitchell, representing the Artesia Drug and Crime Coalition, reported on recent activities. Ms. Mitchell also stated that the Drug and Crime Coalition and 7024U have joined together under the name Changing Lives Coalition and has filed to become a non-profit (501(c)3).

Patrice Padilla, acting director for 7024U, reported on their activities. Currently there are 10 students in the program. They focus on tutoring and also have field trips for other activities.

Leah Boone, secretary of Changing Lives Coalition, reported that the group as filed for their 501(c)3 designation and that they are working on updating and combining the By-laws of the two groups.

### **Personnel**

Councilor Rodriguez moved, upon recommendation of the Mayor, to promote Michelle McConaughy to the position of Police Evidence Tech II, at a salary of \$34369 per month (CA22), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Madrid and upon vote, the motion passed.

Mayor Pro tem Hill moved, upon recommendation of the Mayor, to hire Reydesel Flores to the position of Water Technician, at a salary of \$2,363 per month (CA20), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

Councilor Rodriguez moved, upon recommendation of the Mayor, to hire Michael Garcia to the position of Water Technician, at a salary of \$2,363 per month (CA20), subject to the successful completion of required pre-employment testing. The motion was seconded by Mayor Pro tem Hill and upon vote, the motion passed.

Mayor Pro tem Hill moved, upon recommendation of the Mayor, to hire Arturo Alfaro to the position of Solid Waste Equipment Operator II, at a salary of \$2,673 per month (CA25), subject to the successful completion of required pre-employment testing. The motion was seconded by Councilor Rodriguez and upon vote, the motion passed.

Councilor Rodriguez moved, upon recommendation of the Mayor, to hire Samuel Lara to the position of Solid Waste Equipment Operator II, at a salary of \$2,673 per month (CA25), subject to the successful completion of required pre-employment testing. The motion was seconded by Mayor Pro tem Hill and upon vote, the motion passed.

Human Resources Director Sandi Farley presented a Time Recording Policy to document how employees will use the electronic time clocks/website to log their timesheets. Councilor Rogers moved to adopt the Time Recording Policy, Resolution No. 1592. The motion was seconded by Councilor Bratcher and upon vote, the motion passed.

**RESOLUTION NO. 1592**

Ms. Farley presented an updated Cell Phone Policy for city employees. Councilor Bratcher moved to approve the updated Cell Phone Policy, Resolution No. 1593. The motion was seconded by Councilor Sanchez and upon vote, the motion passed.

**RESOLUTION NO. 1593**

**Public Safety**  
**Police**

Chief Raley presented the monthly department statistics.

**Fire**

Chief Hummingbird presented the monthly department statistics.

**Community Development**

Code Enforcement Officer Cheryl Hinkle reported that the owners of the property at 702 N. Fourteenth (14<sup>th</sup>) have complied with all requirements and has passed all inspections. Ms. Hinkle requested that the condemnation of 702 N. 14<sup>th</sup> be rescinded. Councilor Bratcher moved to adopt Resolution No. 1594 rescinding Resolution No. 1575, the condemnation of 702 N. 14<sup>th</sup>. The motion was seconded by Councilor Sanchez and upon vote, the motion passed.

**RESOLUTION NO. 1594**

Mr. McGuire requested approval of the Development and Grant Agreement, and the Project Budget for the Roselawn Manor affordable housing project. Mayor Pro tem Hill moved to approve the Development and Grant Agreement, including the project budget for the Roselawn Manor project. The motion was seconded by Councilor Aguilar and upon vote, the motion passed.

Mr. McGuire presented the monthly department statistics

**Infrastructure**

Infrastructure Director Byron Landfair presented the monthly department statistics.

Scott Verhines, representing Occam Consulting Engineers, gave a presentation on the Water Rate Study as connected to the Water Conservation Plan.

**City Clerk**

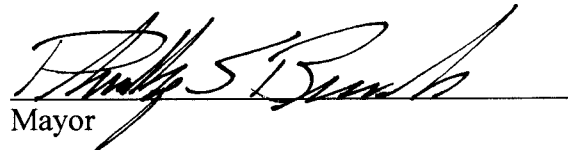
Assistant City Clerk Lisa Johnston presented the Election Resolution for the 2016 Municipal Election. Mayor Pro tem Hill moved to adopt the resolution for the 2016 Municipal Elections, Resolution No. 1595. The motion was seconded by Councilor Rogers and upon vote, the motion passed.

**RESOLUTION NO. 1595**

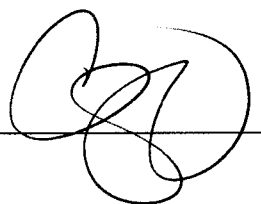
**New and Other Business from Councilors**

Councilor Youtsey requested an agenda item for the next meeting regarding the swimming pool and the possibility of issuing bonds for the project. The estimated cost for the project would be \$4.5 million.

There being no further business to come before the Council, the meeting adjourned at 8:25 p.m., November 10, 2015.

  
Mayor

ATTEST:

  
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City Clerk